



Austin City Council MINUTES

JANUARY 12, 1995 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting the presence of all of the Council.

MINUTES APPROVED

1. Approval of Minutes for Regular Meetings of December 15, 1994 and January 5, 1995
Approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0
vote, Councilmember Mitchell temporarily absent.

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. Shaun Stenshol, to discuss the energy future of Austin which does not include the South Texas Nuclear Plant or the Holly Street plant.
Not Present
4. Mr. Henry Ratliff, to address the City Council on "Prospects for 1995."

ITEMS CONTINUED FROM PREVIOUS MEETINGS

5. Approve payment of the annual membership in the Greater Austin-San Antonio Corridor of Texas, in the amount of \$50,000. (Funding is available in the 1994-95 operating budget of Financial Services Department.)
Approved

ORDINANCES

6. Approve the 1995 Council meeting schedule.
Ordinance No. 950112-A approved
7. Amend the Austin City Code, Chapter 15-8, the City's relocation assistance program, to bring it in compliance with Federal relocation assistance requirements. (Increased costs will be budgeted as part of the total cost of CIP projects.)
Ordinance No. 950112-B approved
8. Amend Section 16-4-5 of the Austin City Code by modifying the existing speed zone on IH-35 East and West Frontage Roads from Austin North City Limits to Austin South City Limits to allow for enforcement of posted speed limits. This action will bring the current speed zone in compliance with the speed zone requested by the Texas Department of Transportation. (All costs will be funded by the Texas Department of Transportation.)
Ordinance No. 950112-C approved

9. Amend Ordinance No. 920604-A to adopt a supplement to the Code of the City of Austin, 1992 to make the Code current through December 31, 1994. (Funding in the amount of \$5,000 is available in the FY 1994-95 operating budget of the Law Department.)
Ordinance No. 950112-D approved
10. Approve second/third reading to renew the taxicab franchise for Yellow Checker Cab Company, Inc., dba Yellow Cab Company. (Taxicab permit fee of \$400 per year per permit. Expected annual revenue is \$56,000.)
Approved second reading
11. Approve second/third reading to renew the taxicab franchise for Roy's Taxi, Inc. (Taxicab permit fee of \$400 per year per permit. Expected annual revenue is \$30,000.)
Approved second reading
12. Approve second/third reading to renew the taxicab franchise for Greater Austin Transportation Company, dba American Cab Company. (Taxicab permit fees of \$400 per year per permit. Expected annual revenue is \$55,600.)
Approved second reading
13. Amend Ordinance 940912-E, the 1994-95 Capital budget of the Department of Public Works and Transportation, by transferring \$25,000 from the "Excess Funds 1984 Completed Projects" appropriation, and increasing the appropriation for the Sixth Street Sidewalk Cleaning and Sealing Project and the Sixth Street Tree Grate Repairs Project by \$25,000. (Funding is authorized under 1984 General Obligation Bonds Proposition 18.) (To be reviewed by the Planning Commission on January 10, 1995). (Related to Item 14)
Ordinance No. 950112-E approved

RESOLUTIONS

14. Approve a construction contract award to B & B MAINTENANCE SYSTEM, Belton, Texas, for the Sixth Street Sidewalk Cleaning and Sealing Project, in the amount of \$51,000. (Funding was included in the 1994-95 Amended Capital budget of the Public Works and Transportation Department.) Low bid of two (2). 7% MBE, .98% WBE Subcontracting opportunities were identified. (Related to Item 13)
Approved
15. Authorize negotiation and execution of a License Agreement with MET 94, Austin, Texas, to construct and maintain a 48" storm drainage pipe in the Giddings-to-Llano Railroad Right-of-Way. (Annual fee of \$287 paid by applicant to the Capital Metropolitan Transportation Authority.)
Approved
16. Authorize negotiation and execution of a License Agreement with MET 94, Austin, Texas, to construct and maintain two 48" stormwater drainage pipes across/under the Giddings-to-Llano Railroad Right-of-Way. (Annual fee of \$200 paid by applicant to the Capital Metropolitan Transportation Authority.)
Approved

17. Authorize negotiation and execution of a License Agreement with MET 94, Austin, Texas, to construct and maintain an extension to a truck court into a railroad siding area of the Giddings-to-Llano Railroad Right-of-Way. (Annual fee of \$893.37 paid by applicant to the Capital Metropolitan Transportation Authority.)
Approved
18. Authorize negotiation and execution of a License Agreement with MET 94, Austin, Texas, to construct and maintain a roadway crossing across the Giddings-to-Llano Railroad Right-of-Way at the proposed future West Rundberg Lane location, Austin, Texas. (Annual fee of \$200 paid by applicant to Capital Metropolitan Transportation Authority.)
Approved
19. Approve a contract award to CHAMPION SITE PREP, INC., Georgetown, Texas, for water quality retrofit of the Far West Detention Pond, between Great Northern Boulevard and Shoal Creek Boulevard, in the amount of \$206,221.95. (Funding was included in the 1994-95 Capital budget of the Drainage Utility.) Low bid of ten (10). 41.70% MBE, 0.73% WBE Subcontractor participation.
Approved
20. Authorize execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION to participate in the Spicewood Springs Road Improvement Project, between Parliament Place and Shakespearean Way, in conjunction with the Federal Surface Transportation Program, in the amount of \$524,986.80. (Funding was included in the 1993-94 Capital budget of the Public Works and Transportation Department.)
Approved
21. Approve the sale of three tracts of highway right of way at US 183 and Loop 360 by the State of Texas to the Arboretum, the adjoining property owner. (No fiscal impact.)
Approved
22. Approve payment to SPRINT, Westwood, Kansas, for relocation of a fiber optic cable from Banister Lane to west of South 1st Street, as part of the US 290/SH 71 project, in the amount of \$39,117.82. (Funding was included in the 1991-92 Capital budget of the Public Works and Transportation Department.)
Approved
23. Approve the selection of ROGERS & PERRY ARCHITECTS, Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Zaragoza Branch Library, in the amount of \$110,000. (Funding was included in the 1994-95 Capital budget of the Library Department.) Best qualification statement of nineteen (19). 23% MBE, 8% MBE Subconsultant participation. (Related to Item 24)
Approved
24. Adopt an official Declaration of Intent to reimburse design cost of the Zaragoza Branch Library. (Funding in the amount of \$268,000 is available through the issuance of General Obligation Public Improvement Bonds to be sold in September, 1995.) [Related to Item 23]
Approved

25. Approve the selection of BETHANY RAMEY-NIX ARCHITECT (WBE), Austin, Texas, for negotiation and execution of a contract to provide architectural design and construction phase services for the Dove Springs Branch Library, in the amount of \$100,000. (Funding was included in the 1994-95 Capital budget of the Library Department.) Best qualification statement of nineteen (19). 10% MBE, 6.5% WBE Subconsultant participation.
Approved
26. Approve the selection of ROBINSON + MORALES ARCHITECTS (MBE), Austin, Texas, for negotiation and execution of a contract to provide professional architectural services for the Parks and Recreation Department Montopolis Sports Complex, in the amount of \$175,000. (Funding was included in the 1994-95 Approved Capital budget of the Parks and Recreation Department.) Best qualification statement of nine (9). 27% MBE, 5% WBE Subconsultant participation.
Approved

Items 5-26 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 vote.

27. Approve Change Order #3 to AUSTIN ENGINEERING COMPANY, INC., Austin, Texas, for additional quantities and new materials for erosion control improvements for the Waller Creek Drainage Improvements Project Phase II-A, from East 1st to East 3rd Street, in the amount of \$41,368.80, for a total contract amount of \$457,538.80. (Funding was included in the 1994-95 Capital budget of the Public Works and Transportation Department.) No M/WBE Subcontracting opportunities were identified.
Approved
28. Approve Change Order #2 to BRAUN & BUTLER CONSTRUCTION, INC., Austin, Texas, for installation of a temporary fence, modifications to the entry canopy, unanticipated soil conditions, and items requested by senior citizens, for the South Austin Senior Activity Center located at 3911 Manchaca Road, in the amount of \$41,173, for a total contract amount of \$1,321,528. (Funding was included in the 1993-94 Approved Capital budget of the Parks and Recreation Department.) 4.01% MBE, 1.93% WBE Subcontractor participation.
Approved

Item 27-28 approved on Councilmember Garcia's motion, Councilmember Goodman's second, 6-0-1 vote, Councilmember Mitchell abstaining.

29. Approve execution of a supply agreement with BROWNING-FERRIS, INC., Del Valle, Texas, to provide chemical toilet service for the Parks and Recreation Department, for use in City parks during special events, in an amount not to exceed \$38,935, with the option to extend for two (2) twelve (12) month periods in an amount not to exceed \$38,935 for each extension period, for a total amount of \$116,805. (Funding in the amount of \$32,445 is available in the 1994-95 operating budget of the Parks and Recreation Department. Funding for the final two (2) months of the original contract period and extension options is contingent upon future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified.
Approved

30. Approve execution of a twelve (12) month supply agreement with OLSTEN KIMBERLY QUALITY CARE, Austin, Texas, for parenteral and enteral services, in-home services provided by the Health and Human Services Department Medical Assistance Program and the Ryan White II grant, in an amount not to exceed \$115,000, with two (2) twelve (12) month renewal options, with the first twelve (12) month extension option amount not to exceed \$132,250 and the second twelve (12) month extension option amount not to exceed \$152,087.50; for a total contract amount over three (3) years of \$399,337.50. (Funding in the amount of \$85,000 is available in the FY 1994-95 operating budget of the Health and Human Services Department. \$30,000 is available in the Ryan White II grant Special Revenue Fund for the Health and Human Services Department. Funding for the remaining three (3) months of the contract and renewal options will be contingent upon available funding in future budgets.) Low bid of two (2). 10% MBE, 0% WBE Subcontractor participation. Approved

Items 29-30 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 vote.

31. Approve the negotiation and execution of a twelve (12) month contract with AUSTIN FAMILIES, INC., for the administration of the Child Care Voucher Program, in an amount not to exceed \$241,000. [Funding is available in the 20th year (1994-95) Community Development Block Grant special revenue fund.] Sole proposal. No M/WBE Subcontracting opportunities were identified. (Recommended by the Community Development Commission)

Approved on Councilmember Garcia's motion, Mayor Pro Tem Nofziger's second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

32. Approve a construction contract award to JAMITCH ENTERPRISES, INC., (MBE), Austin, Texas, for the construction of wastewater improvements to the Enfield Road, Bridle Path, Woodmont area, in the amount of \$286,726.60. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility). Low bid of three (3). 39.8% MBE, 1.50% WBE Subcontractor participation. Approved

Austin-Bergstrom International Airport (Items 33-34)

33. Authorize acceptance of grants from the Federal Aviation Administration (FAA), in an amount not to exceed \$35,000,000 in FAA Airport Improvement Program funding for the Austin-Bergstrom International Airport for the fiscal year ending September 30, 1995. (FAA grant reimbursement will apply to projects approved by Council in the 1993/94 and the 1994/95 Capital budgets. Grant funds will be placed in the New Airport Construction Fund.) Approved

34. Approve the filing of eminent domain proceedings to acquire fee simple interest to a parcel of land containing .737 acres of land out of The Jose Antonio Navarro Survey in Travis County, Texas, owned by Daniel Ray Easley and Carl Easley for the Land Acquisition Program, Austin-Bergstrom International Airport Project. (Appraised value is \$9,100.) Approved

35. Approve execution of a twelve (12) month contract with WAYEST SAFETY, INC., Dallas, Texas, for the purchase of Scott air breathing masks, replacement parts and accessories for the Fire Department, in an amount not to exceed \$150,573.30 with two (2) twelve (12) month extension options in an amount not to exceed \$150,573.30 for the first option and \$150,573.30 for the second option, for a total contract amount not to exceed \$451,719.90. (Funding in the amount of \$112,930 is available in the 1994-95 operating budget of the Fire Department. Funding for the remaining three (3) months and funding for the extension options will be contingent upon available funding in future budgets.) Low bid of two (2) meeting specifications. No M/WBE Subcontracting opportunities were identified.
Approved

Items 32-35 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 vote.

36. Approve execution of a contract with AT&T CORPORATION, Austin, Texas, for the purchase and installation of an AT&T Definity PBX Telephone System for Municipal Court, in an amount not to exceed \$300,000. (Funding was included in the 1994-95 Capital budget of the Austin Municipal Court.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Postponed for one week
37. Approve execution of a twelve (12) month contract with THE WYATT COMPANY, Dallas, Texas, to provide actuarial and consulting services for the Employee Benefits Program and Fund, in an amount not to exceed \$254,575 with two (2) twelve (12) month extension options in an amount not to exceed \$254,575 per extension option, for a total contract amount not to exceed \$763,725. (Funding in the amount of \$190,931 is available in the 1994-95 Employee Benefits Fund budget. Funding for the remaining three (3) months of the original contract period and the extension options are contingent upon future budgets.) Best proposal of four (4). 10% MBE, 6% WBE Subcontractor participation.
Approved
38. Authorize execution of an Interlocal Agreement with the Texas Natural Resource Conservation Commission (TNRCC) to assist in expanding current Solid Waste Services recycling services by establishing a program to aid local businesses in the responsible management of solid and hazardous wastes. (A grant in the amount of \$47,134 has been awarded for this purpose and was approved in the 1994-95 operating budget of Solid Waste Services.
Approved

Items 37-38 approved on Councilmember Goodman's motion, Councilmember Garcia's second, 7-0 vote.

ITEMS FROM COUNCIL

39. Approved the execution of a lease with the Austin Hospital Authority to become effective March 1, 1995. (Councilmember Eric Mitchell)

Motion to approve by Councilmember Mitchell, Councilmember Goodman's second

Substitute motion offered by Mayor Todd, Councilmember Garcia's second (second was withdrawn)

Approved a subcommittee of the whole council to work with a mediator and Hospital Authority and return with a recommendation within 30 days on Councilmember Garcia's substitute motion, Councilmember Mitchell's second, 5-1 vote, Councilmember Reynolds voting NO, Mayor Todd absent.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

40. C14-94-0135 - FAMILIA INVESTMENTS (Richard Lundsden), 5400 Freidrich Lane. From SF-3 to MH. Planning Commission Recommendation: To Grant MH-CO, Mobile Home-Conditional Overlay and RR, Rural Residence for that area that falls within the 100-year floodplain. The provision of the conditional overlay will limit the number of mobile home pad sites to 153.

Postponed until January 26, 1995 on Councilmember Goodman's motion, Councilmember Shea's second, 4-1 vote, Councilmember Reynolds voting NO, Councilmember Mitchell out of the room, Mayor Todd absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive Session for items 43-44 was held on the morning of this date.

Executive Session for items 41 and 45 was held 5:00 p.m. until 5:36 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on the meeting agenda. Council would take any subsequent action in the open meeting as listed on the agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Pending Litigation - Section 551.071

41. Discuss South Cross Plaza v. City of Austin; Cause No. 94-06387.
42. Discuss Jerry Quick v. City of Austin; Cause No. 92-0637.
43. Discuss F.M. Properties Operating Co. v. City of Austin; Civil Action No. A-94-CA-647-JN.

Real Estate Acquisition - Section 551.072

44. Discuss fee simple acquisition of real property for the North Loop at Burnet Road Transportation System Management Project.
45. Discuss possible real estate transaction related to Brackenridge Hospital.

Advice from Counsel - Section 551.072

46. Discuss pole rental agreements with Southwestern Bell and Austin Cablevision and effect of proposed Utility Infrastructure usage ordinance.

ACTION ON THE FOLLOWING

47. Approve payment to Rudy Robinson, as an expert in South Cross Plaza v. City of Austin; Cause No. 94-06387.

Approved in an amount of \$40,000.00 on Councilmember Garcia's motion, Councilmember Shea's second, 5-0-1 vote, Councilmember Mitchell abstaining, Mayor Todd absent.

48. Authorize fee simple acquisition of real property located at 5320 Burnet Road for the North Loop at Burnet Road Transportation System Management Project.

Approved purchase price in the amount of \$42,100.00 on Councilmember Garcia's motion, Councilmember Shea's second, 6-0 vote, Mayor Pro Tem Nofziger out of the room.

49. Approve third reading to amend Ordinance No. 940912-D, the 1994-95 operating budget of the Drainage Utility Fund, by increasing the budgeted beginning balance by \$477,247 and increasing the appropriation by \$477,247 for legal services; for a total appropriation of \$18,459,926.
Ordinance No. 950112-F approved

50. Authorize an amendment to the professional services agreement with Hilgers & Watkins, L.L.P., in the amount of \$677,246.64, for a total contract amount of \$1,273,494.64 for legal services related to Jerry J. Quick v. City of Austin.
Approved

Items 49-50 approved on Councilmember Garcia's motion, Councilmember Shea's second, 4-2 vote, Councilmembers Mitchell and Reynolds voting NO, Mayor Todd absent.

ADJOURN at 6:05 p.m. on Councilmember Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmember Reynolds out of the room, Mayor Todd absent.

APPROVED this the 19th day of January, 1995, on Councilmember Garcia's motion, Mayor Todd's second, 6-0 vote, Councilmember Reynolds absent.